

Charles R. Jacob III (CJ-4143)
Claire L. Huene (CH-2278)
MILLER & WRUBEL P.C.
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TERWIN WAREHOUSE MANAGEMENT
LLC, as Program Administrator for and
Assignee of TERWIN MORTGAGE
WAREHOUSE TRUST II, SERIES VI,

Plaintiff,

-against-

FINANCIAL MORTGAGE, INC.
and VIJAY TANEJA,

Defendants.

07 Civ. 10309 (LLS)

ECF Case

**ORDER TO SHOW CAUSE FOR
PRELIMINARY INJUNCTION
AND TEMPORARY
RESTRAINING ORDER**

Upon the declaration of Barbara Chell, dated November 13, 2007, the declaration of Claire L. Huene, dated November 14, 2007, the accompanying memorandum of law, dated November 14, 2007, and upon the copy of the Complaint, dated November 14, 2007, annexed hereto, it is

ORDERED, that the above named defendants show cause before a motion term of this Court, at Room ___, United States Courthouse, 500 Pearl Street, in the City, County and State of New York, on November ___, 2007, at ___, or as soon thereafter as counsel may be heard, why an order for preliminary injunctive relief should not be issued pursuant to Rule 65 of the Federal Rules of Civil Procedure requiring that the defendant (a) deliver to plaintiff or its designee all mortgage loan and servicing files for the mortgage loans listed in Exhibit A of the Complaint (the "Mortgage Loans"); (b) deliver to plaintiff or its designee all funds currently held

or hereafter received by defendant with respect to the Mortgage Loans, less servicing fees earned, and (c) refrain from taking any action with respect to the Mortgage Loans other than those that may be required by law with respect to the transfer of servicing, including refraining from depositing any payments received by defendant concerning the Mortgage Loans or from disbursing any sums held by defendant in connection with the Mortgage Loans, except as provided herein; and it is further

ORDERED that, sufficient reason having been shown therefor, pending the hearing of plaintiff's application for a preliminary injunction, pursuant to Rule 65, Fed. R. Civ. P., the defendant is temporarily restrained and enjoined as follows: defendant shall (a) immediately deliver to plaintiff or its designee all mortgage loan and servicing files for the Mortgage Loans; (b) immediately deliver to plaintiff or its designee all funds currently held or hereafter received by defendant with respect to the Mortgage Loans, less servicing fees earned, and (c) immediately refrain from taking any action with respect to the Mortgage Loans other than those that may be required by law with respect to the transfer of servicing, including refraining from depositing any payments received by defendant concerning the Mortgage Loans or from disbursing any sums held by defendant in connection with the Mortgage Loans, except as provided herein.

ORDERED that security in the amount of \$ _____ be posted by the plaintiff prior to _____ on November ___, 2007; and it is further

ORDERED that personal service of a copy of this order and annexed affidavit upon the defendant or his counsel on or before 5:00 p.m. on November ___, 2007, shall be deemed good and sufficient service thereof.

Dated: New York, New York
November ___, 2007

USDC